

represents claim 23 rewritten in independent form. Further, new claim 28 represents cancelled claim 24 rewritten in independent form. The examiner will note that the objection set forth in the Advisory Action of March 19, 2003 is addressed here by using the language of cancelled claim 24 verbatim in new claim 28.

Regarding the rejection under the first paragraph of 35 USC 112, please note that claim 13, as per claim 23, recites a density range consistent with the teaching at page 4, line 24 to page 5, line 2 of applicant's original specification. Likewise, new claim 28 (claim 24 rewritten in independent form) is consistent with the teaching of density at page 5, lines 2-5 of applicant's original English text. As noted in applicants' Supplemental Response filed August 13, 2002 and as evidenced by the documents submitted therewith, density of such foams as recited in applicant's claims is conventionally expressed as "g/cm³" as those skilled in the art would readily recognize.

Claim 28 (Claim 24 Rewritten in Independent Form)

In applicant's previous response (bottom page 5) applicant noted that claims 24 and 27 were directed to what is described in applicant's specification as the preferred embodiment, for example, at page 11, lines 18-23 of applicant's original specification. As described there and defined by new claim 28, the preferred embodiment uses a mixture of a urethane resin and gum-based particles. As further noted there, "no reference of record mentions such a material, much less suggests the use of same claimed here." The examiner's "final" action of December 3, 2002

does not respond to the foregoing argument and the examiner has not stated a *prima facie* case for obviousness of claim 24 now rewritten as claim 28.

Claims 13-17

The rejection of claims 13-17 for obviousness is again traversed. The examiner's attention is firstly directed to the Background section of applicant's specification which emphasizes that the present invention is directed to a specific problem in a specific element of a two-wheel motor vehicle. More specifically, the present invention is directed to a problem with the "swing arm" of a motorcycle shown as element 103 in Fig. 22 of applicant's drawings. The specific problem associated with the swing arm, to which the present invention is directed, is the generation of noise by resonance with the motor. As applicant noted in his specification, in a motorcycle, the swing arm is attached in close proximity to the engine and therefore resonates with same. See page 2, lines 6-11 of applicant's specification. None of the references of record recognizes or attempts to deal with the "swing arm." Yamagiwa et al teaches the filling of main frame components of a motorcycle with a polyurethane foam. Note that element 98 of Yamagiwa et al is characterized as a "rear fork" (column 19, line 9) and is the structure which applicant refers to as a "swing arm." At column 13, line 49 to column 14, line 3 and at column 19, line 65 to column 21, line 2 Yamagiwa et al teach in detail the filling of "main body frames 18L and 18R" with polyurethane resin. Notably absent from these teachings is any suggestion that the swing arm or "rear fork 98" should also be filled or partially filled with the polyurethane foam. As previously noted on this record, Yamagiwa is also deficient as a reference for its silence with

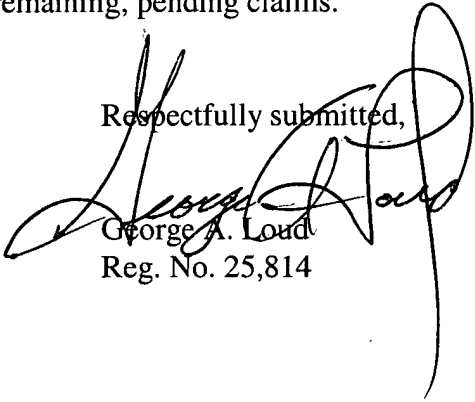
regard to the density of the foam.

Lindewall discloses polyurethane foams utilized in an entirely different environment for an entirely different purpose. Lindewall is directed to an automobile bumper, a structural element unrelated to the swing arm of a motorcycle and is directed to the problem of shock absorption, i.e., crushing upon impact, a problem totally unrelated to the problem to which applicant's invention is directed, i.e., suppression of noise generated as resonance with vibration of a motorcycle engine.

While Japanese Utility Model Publication 01-106390 is directed to a swing arm of a motorcycle, it does not suggest filling with any foamable material nor does it suggest use of any type of polyurethane.

In conclusion, it is respectfully requested that the examiner reconsider the rejections of record with a view toward allowance of the remaining, pending claims.

Respectfully submitted,


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13. (Amended) A method for producing a swing arm for a two-wheeled motor vehicle having an arm portion and a body portion, both of which have a hollow portion, the hollow portion being at least partly filled with a foam resin, said method comprising:

filling at least a part of said hollow portions with a raw material for forming a urethane foam; and

foaming said raw material of urethane foam to form, within at least the partially filled hollow portion, the urethane foam having a density of 0.010 g/cm^3 to 0.100 [0.500] g/cm^3 .